

I, therefore, concur in the conclusion the majority opinion reaches that the cause must be reversed and remanded with directions."

On August 2, 1948, a final decree was entered in the district court, condemning the product and ordering that it be destroyed. The decree provided that destruction might be effected by delivering the product to a Federal institution, to be used for purposes other than for food.

13864. Adulteration of oil. U. S. v. 8 Cans * * * (and 1 other seizure action). (F. D. C. Nos. 24843, 24872. Sample Nos. 4513-K, 4515-K.)

LIBEL FILED: May 14 and June 4, 1948, District of Connecticut.

ALLEGED SHIPMENT: On or about October 15 and 24, 1947, by Albert M. Caputo, from Providence, R. I.

PRODUCT: Oil. 8 cans at Stonington, Conn., and 4 cases, each containing 6 cans, at Pawcatuck, Conn.

LABEL, IN PART: "Contents One Gallon Favorita Brand An Excellent Blend of Choice Corn & Peanut Oils and 20% Pure Olive Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), (Stonington lot) a substance containing little or no olive oil and (Pawcatuck lot) a substance consisting of corn and cottonseed oil with not more than 5 percent of olive oil had been substituted for corn and peanut oil and 20 percent pure olive oil, which the product was represented to be.

Misbranding, Section 403 (a), the label statement "An Excellent Blend of Choice Corn and Peanut Oils and 20% Pure Olive Oil" was false and misleading. Further misbranding, Section 403 (e) (2), (Pawcatuck lot) the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the labeled 1 gallon.) Section 403 (f), (Stonington lot) the information required by Section 403 (e) to appear on the label did not appear thereon in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use since the information did not appear on the label in the Italian language, although the label contained other representations in Italian.

DISPOSITION: August 2, 1948. Default decrees of condemnation. The product was ordered delivered to charitable institutions, conditioned that the oil be emptied into a bulk container and the original cans destroyed.

13865. Adulteration of oil. U. S. v. 6 Cans * * *. (F. D. C. No. 24871. Sample No. 4516-K.)

LIBEL FILED: June 4, 1948, District of Connecticut.

ALLEGED SHIPMENT: On or about November 4, 1947, by the Unita Packing Co., from Providence, R. I.

PRODUCT: 6 1-gallon cans of oil at Pawcatuck, Conn.

LABEL, IN PART: "White Pigeon Cream Oil Corn and Olive Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting of cottonseed oil with not more than 5 percent olive oil had been substituted for corn and olive oil.

Misbranding, Section 403 (a), the label statement "Corn and Olive Oil" was false and misleading.

DISPOSITION: August 2, 1948. Default decree of condemnation. The product was ordered delivered to charitable institutions.